

TA-419-2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA-419-2015 (O & M)

Date of Decision: 27.01.2016

Gagandeep Kaur

... Applicant (s)

Versus

Pardeep Singh

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. K.S.Rekhi, Advocate,
for the applicant.

Mr. J.S.Lalli, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Pardeep Singh vs. Gagandeep Kaur', under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for dissolution of marriage between the parties, from Ludhiana to Amritsar.

It is the case of the applicant that the respondent has filed a petition under Section 13 of the Act for dissolution of marriage which is pending in the Court at Ludhiana. The applicant has filed a petition under Section 125 Cr.P.C. in the Court at Amaritsar. The applicant is

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residing with her parents at Amritsar and it is difficult for her to attend the proceedings on each and every date at Ludhiana. With these averments, prayer for transfer of petition filed by the respondent-husband under Section 13 of the Act has been made.

Upon notice, the respondent put in appearance and filed reply. It is averred that petition under Section 9 of the Act filed by the respondent was decreed exparte vide judgment and decree dated 20.12.2013. The applicant also filed a complaint to the Commissioner of Police, Amritsar for registration of case against the respondent and his family members, but the matter was compromised vide compromise deed dated 26.02.2014. Vide compromise deed, it was agreed that both the parties will file petition under Section 13-B of the Act and the respondent agreed to pay an amount of ₹4,60,000/- to the petitioner and out of the aforesaid amount, the petitioner received an amount of ₹2,30,000/- by way of demand draft dated 25.02.2014 bearing No.224789 drawn on Bank of Baroda. The parties had also filed petition under Section 13-B of the Act. In spite of receiving the amount, the applicant did not turn up in Court for making the statement and resultantly, the petition under Section 13-B of the Act was dismissed vide order dated 02.04.2014. Thereafter, the respondent has filed the petition under Section 13 of the Act for dissolution of marriage in the Court at Ludhiana. During the pendency of petition under Section 13 of the Act, the matter was referred to the Mediation and Conciliation Centre of this Court for 27.04.2015, but the applicant did not turn up there.

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I have considered the rival contentions of learned counsel for the parties.

The conduct of applicant before the Court does not appear to be appropriate. Earlier she entered into a compromise with the respondent and filed a petition under Section 13-B of the Act for dissolution of marriage. However, she did not turn up in Court for recording her first motion statement before the Court despite having received the amount of ₹2,30,000/- i.e. 50% of the settled amount.

Moreover, in *Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197*, the Hon'ble Supreme Court has held as under:

“3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.

5. Except for stating that her health is not good, no particulars are given. On the ground that she is not able to come to Delhi to attend the court on a particular date, she can always apply for exemption and her application will undoubtedly be considered on its merit. Hence, no ground for transfer has been made out.

6. Accordingly, we dismiss the Transfer Petition. We, however, direct that the respondent shall pay all travel and stay expenses of the petitioner and her companion for each

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and every occasion when she is required to attend the Court at Delhi.

7. The respondent shall send in advance to the petitioner money for a 2nd Class A.C. train ticket for herself and a companion. The respondent shall also pay stay expenses of the petitioner and her companion in a 3-Star Hotel. The trial court shall ensure that the petitioner has been paid the travel expenses in advance and that the hotel expenses are paid to her on each and every occasion when she is required to attend the Court at Delhi.”

In view of above, no ground for transferring the case is made out.

Dismissed.

27.01.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge